

2015-009256

Klamath County, Oregon

08/19/2015 03:06:45 PM

Fee: \$62.00

18 2394933

Patrick J. Kelly, Attorney  
717 NW 5<sup>th</sup> Street  
Grants Pass, OR 97526  
**Trustee's Name and Address**

Owen W & Neva K MacPhee  
160 Brooke Lane  
Grants Pass, OR 97527  
**Second Party's Name and Address**

SPACE RESERVED FOR  
RECORDER'S USE

**After recording return to (Name, Address, Zip)**

Patrick J. Kelly, Attorney  
717 NW 5<sup>th</sup> Street  
Grants Pass, OR 97526

**Until requested otherwise, send all tax statements to**

Owen W & Neva K MacPhee  
160 Brooke Lane  
Grants Pass, OR 97527

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### TRUSTEE'S DEED

THIS INDENTURE, Dated **August 10, 2015**, between **Patrick J. Kelly**, hereinafter called trustee, and **Owen W. MacPhee and Neva K. MacPhee, Trustees of the Owen MacPhee Family Trust**, hereinafter called the second party;  
WITNESSETH:

RECITALS: **Daniel S. Miller**, as Grantor, executed and delivered to **AmeriTitle, an Oregon Corporation**, as Trustee, for the benefit of **Owen W. MacPhee and Neva K. MacPhee, Trustees of the Owen MacPhee Family Trust**, as Beneficiary, a certain trust deed dated **April 6, 2012**, recorded on **April 18, 2012**, in the Records of **Klamath County**, as Document No. **#2012-004047**. In that trust deed, the real property therein and hereinafter described was conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the trust deed as stated in the notice of default hereinafter mentioned, and such default still existed at the time of the sale hereinafter described.

By reason of the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or the beneficiary's successor in interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on **February 18, 2015**, in the Records of **Klamath County**, as Document No. **#2015-001419**, to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property, as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7 D. (2) and 7 D. (3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal representatives, if any, named in ORS 86.764 (1) and 86.764 (2)(a), at least 120 days before the date the property was sold.

A copy of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative of any person named in ORS 86.740(1), promptly after the trustee received knowledge of the disability, insanity or death of any such person. Copies of the notice of sale were served in accordance with ORS 86.774(1) upon occupants of the property described in the trust deed at least 120 days before the date the property was sold. If the foreclosure proceedings were stayed and released from the stay, copies of an amended notice of sale in the form required by ORS 86.782(12) were mailed by registered or certified mail to the last known addresses of those persons listed in ORS 86.764 and 86.774(1) and to the address provided by each person who was present at the time and place set for the sale which was stayed within 30 days after the release from the stay.

The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service, publication of the notice of sale, and the mailing of notice to grantor pursuant to ORS 86.756, are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.764 (2)(3)(4) and (5).

The true and actual consideration for this conveyance is **\$75,267.65**. (Here comply with ORS 93.030).

**Seventy-Five Thousand Two Hundred Sixty-Seven Dollars and 65/xx.** The undersigned trustee, on **August 7, 2015**, at the hour of **11:00 o'clock, AM**, in accord with the standard of time established by ORS 187.110, (which was the day and hour to which the sale was postponed as permitted by ORS 86.782(2) (~~which was the day and hour set in the amended notice of sale~~)\* and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of **\$75,267.65**, the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

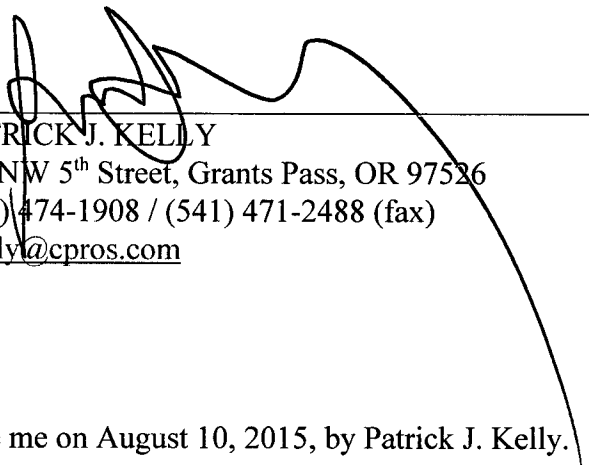
NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the trustee does hereby convey unto the second party all interest which the grantor has or had the power to convey at the time of grantor's execution of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property, to-wit:

### **SEE ATTACHED EXHIBIT "A"**

TO HAVE AND TO HOLD the same unto the second party and the second party's heirs, successors in interest and assigns forever.

In construing this instrument, and whenever the context so requires, the singular includes the plural; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a corporation and any other legal or commercial entity.

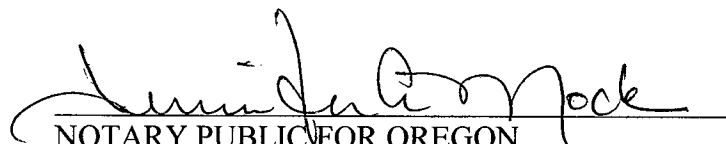
IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

  
PATRICK J. KELLY  
717 NW 5<sup>th</sup> Street, Grants Pass, OR 97526  
(541) 474-1908 / (541) 471-2488 (fax)  
[pkelly@cpros.com](mailto:pkelly@cpros.com)

STATE OF OREGON, County of Josephine )ss.

This instrument was acknowledged before me on August 10, 2015, by Patrick J. Kelly.



  
NOTARY PUBLIC FOR OREGON  
My commission expires: 12.11.17

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHT, IS ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7 CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

## EXHIBIT "A"

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 5, NORTH CHEMULT, in the County of Klamath, State of Oregon;

ALSO: All that portion of Lot 9, Block 5, NORTH CHEMULT, vacated Chemult Road, and Lot 7, Block 4 of Chemult, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Easterly line of said Lot 9, which is 480 feet South of the most Northerly corner of Lot 1 of said Block 5; thence Southwesterly parallel with the Northerly line of said Lot 9 to a point on the Westerly line of said Lot 7, Block 4; thence Northwesterly along the Westerly line of said Lot 7 to a point on the South line of vacated Chemult Road; thence Westerly along the South line of vacated Chemult Road to a point on the West line of Section 21, Township 27 South, Range 8 East of the Willamette Meridian; thence North along said section line to the Northwest corner of said Lot 9, Block 5; thence Northeasterly along the Northerly line of said Lot 9 to the Northeast corner thereof; thence Southeasterly along the Easterly line of said Lot 9 to the point of beginning.

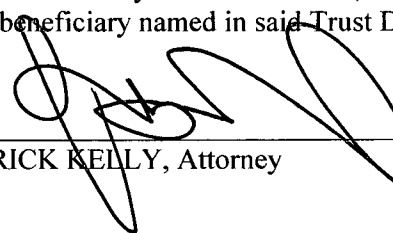
LESS AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation as recorded February 22, 2001 in M01, page 7134 and M01, page 7139.

## CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON           )  
  ) ss  
County of Josephine        )

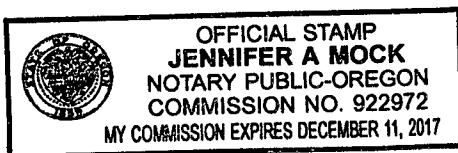
THIS IS TO CERTIFY That I am the present Trustee of that certain Trust Deed in which **Daniel S. Miller**, as Grantor, conveyed to **AmeriTitle, an Oregon Corporation**, as Trustee, certain real property in **Klamath** County, Oregon, which Trust Deed was dated **April 6, 2012**, and recorded on **April 18, 2012**, in the mortgage records of said county, as Document Number **#2012-004047**, thereafter a notice of sale with respect to said Trust Deed was recorded **February 18, 2015**, of said mortgage records, as Document Number **#2015-001419**, thereafter the Trust Deed was duly foreclosed by advertisement and sale and the real property covered by said Trust Deed was sold at the trustee's sale on **August 7, 2015**, to the best of my knowledge and belief the Grantors of the Trust Deed are not in the military service, or were not so within 367 days before the recording of the Notice of Default, or a dependent of a service member in military service based on the following facts made known to me by the Beneficiary or based on inquiry made by this office: (1) Grantor(s) address(es) are not part of a military installation; (2) the Beneficiary has not been provided with any information that indicated that Grantor(s) are members of any branch of military service, whether active or reserve, and a search of the Department of Defense Manpower Data Center ("DMDC) did not indicate Grantors are on active duty, as defined in Article 1 of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended, now known as "The Service Members Civil Relief Act" (50 USC App 501-5976), and (3) notice was personally served Grantor(s) at an address that is not part of a military installation.

In construing this certificate the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said Trust Deed.

  
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PATRICK KELLY, Attorney

STATE OF OREGON           )  
  ) ss  
County of Josephine        )

This instrument was acknowledged before me on the 10<sup>th</sup> day of August, 2015 by Patrick Kelly, Attorney.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My commission expires: 12-11-17